

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS RAY ANDERSON,

Petitioner,

vs.

Case No. 02-70751

ROBERT J. KAPTURE,

HON. AVERN COHN

Respondent.

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ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL
(Doc. 39)

I.

This is a habeas case under 28 U.S.C. § 2254 which has long since closed. On October 3, 2002, the Court dismissed the petition as barred by the one year statute of limitations. The Court also found that Petitioner was not entitled to equitable tolling nor shown actual innocence so as to potentially overcome the statute of limitations. (Doc. 29). Petitioner did not appeal the dismissal. Over 11 years later, on December 9, 2013, the Court received a letter in which Petitioner appeared to challenge the dismissal of his petition over ten years ago. The Court construed the filing as a motion for reconsideration and denied the same. (Doc. 32). Petitioner then filed a motion for a certificate of appealability (Doc. 34). The Court denied the motion. (Doc. 36).

Before the Court is Petitioner's motion for appointment of counsel. For the reasons that follow, the motion is DENIED.

II.

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), cert. denied, 538 U.S. 984 (2003), reh. denied, 539 U.S. 970 (2003). The Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). A habeas petitioner may obtain representation at any stage of the case "[w]henver the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B).

Here, the case is closed. The interests of justice do not require the appointment of counsel.

SO ORDERED.

s/Avern Cohn
UNITED STATES DISTRICT JUDGE

Dated: February 10, 2014

I hereby certify that a copy of the foregoing document was mailed to the attorneys/parties of record on this date, February 10, 2014, by electronic and/or ordinary mail.

s/Carol Bethel for Sakne Chami
Case Manager, (313) 234-5160